

1897-046 Chancery Causes: James R. Noel vs. Belle Noel
Lee Co.

Wells, Kelly, Ayers, Collier, Naird

CA-Divorce
T-Vice

TO THE HONORABLE W. T. MILLER, JUDGE OF THE CIRCUIT COURT OF
LEE COUNTY.

Your orator James R. Noel humbly complaining would respectfully represent unto your Honor that on the 12th day of June 1891 he was united in the holy bonds of matrimony with Belle Noel, nee Belle Wells in Lee County Virginia and that said marriage was duly solemnized according to law.

Your orator would further represent unto your Honor that he and Belle Noel lived together as man and wife for about three months when she left his house and home without any just cause and has from that time to the present day a period of over four years wilfully abandoned and deserted your orator and has refused ~~And your orator would further represent that since~~ ~~Belle Noel left him as abovesaid she has lived in adultery with one~~ and refuses to live with him. Wherefore your orator being remediless save in a Court of Equity where such matters as this are properly cognizable, the premises considered the prayer of your orator is that Belle Noel be made party defendant to this bill and ~~be required to answer the same, answer under oath being waived,~~ that your Honor will by proper decretal orders absolve your orator from all marital ties, and grant him an absolute divorce from the bonds of matrimony existing between your orator and said Belle Noel and such other further and general relief as to equity is proper and his case meets with in a Court of conscience, and your orator will ever pray &c.

R. A. H. Hays
Attorney

James R. Noel

By Counsel

Your orator further states that he is now in Lee County for some time. He was prior to the marriage of the said Belle Noel a resident of Lee County, Va.

RUFUS A. AYERS,
HARRY J. AYERS,
ATTORNEYS-AT-LAW,
BIG STONE GAP, VA.

James R. Noel
vs In Chancery
Belle Noel

1896 2^d sept rules bill filed
+ Old Publication for
" 1st Oct rules cont'd f O P
" 2nd O. P Comptte + cause
set for hearing.

March Term 1897 Decree
final Chy Order Book 4
Page 530

Pleffs Costs Recovered

Clerk	5.99
Tax	1.50
Printer	6.40
M. P.	1.50
atty	15.50
Co. C	.50

\$30.89

90 to 00

76

R. A. H. Hughes
P. 2.

Jas R. Noal

v.

Belle Noal -

This cause came on this the 4th day of March 1897 to be heard upon the bill, exhibits filed therewith, the depositions of witnesses & affidavits as to residence of plaintiff & was argued by counsel - & it appearing that the defendant, Belle Noal, has been proceeded against by order of publication duly published & posted, & still failing to appear to plead, answer or demur, the bill is taken for confessed as to her - whereupon it is adjudged, ordered & decreed that the bonds of matrimony heretofore existing between the plaintiff & defendant be & the same are hereby annulled & set aside, & said parties are divorced a vinculo matrimonii - The plaintiff shall remove his estate from the defendant, & this cause is ordered to be stricken from the docket -

Jas R. Noel

✓ 3 Drone
✓ 3 2.
3 Linal

Bell Noel

Eu Corb p. 530.

Enter this

N L M

March 4 / 1897

THE DEPOSITIONS of J.W.Kelly, R.A.Ayers, and N.B.Collier; taken before me, A.L.Irvine, a notary public in and for Wise County, this the 15th day of February 1897, to be read as evidence in the certain cause in chancery pending in the circuit court of Lee County wherein James R. Noell is plaintiff and Belle Noell is defendant; taken pursuant to notice.

PRESENT H.J.Ayers, attorney for plaintiff.

Dr. J.W.Kelly, a witness of lawful age, being first duly sworn, deposes as follows:-

Q. 1:- Please state your age, residence, and occupation.

A:- Age 35 years; residence Big Stone Gap; occupation physician.

Q. 2:- Please state whether or not you were physician to the mines of the Appalachian Steel & Iron Company in the years 1893 and -4.

A:- I was: I commenced in the Fall of '93.

Q. 3:- In attending to your duties as such physician, did you know Tony Naird and Belle Naird, who passed as his wife?

A:- Yes; I knew them.

Q. 4:- Do you know whether or not Belle Naird was the same woman who in 1890 or '91 married James R. Noell, the plaintiff in this cause?

A:- She told me she was the same woman.

Q. 5:- Did these parties live together as man and wife?

A:- Yes; that was the impression I had about it.

Q. 6:- Did you not regard Belle Naird as the wife of Toney Naird?

A:- Yes: I was often called on ~~xxxx~~ by him to go to see his wife -- Belle, he called her.

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Q. 7:- Did they live in the same house?

A:- Yes.

Q. 8:- As I understand you, then, to all intents and purposes, they lived as man and wife?

A:- Yes.

And further this deponent saith not.

J. W. Kelly

Witness waives the signing of this deposition and authorizes the notary to sign for him.

R.A.Ayers, another witness of lawful age, being first duly sworn, deposes as follows:-

Q. 1:- What years were you receiver for the Appalachian Steel & Iron Company?

A:- I was receiver of said company from June 1893 to the first day of October 1895.

Q. 2:- Amongst the men who worked for you as such receiver was there a man by the name of Toney Naird?

A:- Yes; there was an Italian by that name.

Q. 3:- Do you know whether or not he was married; and if so, did you know his wife?

A:- He lived with a woman who claimed to be his wife. She called herself Belle Naird. She came with a body of Italians to see me as receiver of the furnace on one occasion as their interpreter, and claimed Toney Naird to be her husband at that time. Afterwards, when I had discharged all the Italians at work in the mines, she came and pleaded for her husband, Toney, who was running the incline at Powells River, to be re-

-3-

tained and at her solicitation I retained him. I saw her bring his meals to him at the incline at Noon. I do not recollect to have ever seen them together at their home.

And further this deponent saith not.

R. A. Gyro

Witness waives the signing of this deposition, and authorizes the notary to sign for him.

N.B. Collier, another witness of lawful age, being first duly sworn, deposes as follows:-

Q. 1:- Please state your ~~name~~ age, residence, and occupation.

A:- I am going on 38 years old: I will be 38 in April, I believe. My home is in Big Stone Gap: occupation deputy sherrif of Wise County.

Q. 2:- Mr. Collier, please state whether or not you know Toney Naird, defendant in this cause.

A:- Yes, sir. I suppose that is his name: I have always heard him called that. He lives out here on the mountain.

Q. 3:- In the year 1894, didn't Toney Naird live with Belle Wells as man and wife?

A:- Yes: he lived therewith her as man and wife and they said they was married.

Q. 4:- Did they live in the same house together?

A:- Oh! yes; they lived on the same house. She cooked and kept house and there was some Italians boarded with them.

Q. 5:- Please state whether or not she is the same woman who in 1890 or '91 married James R. Noell, of Lee County?

A:- I could not say that, for I was not here and did not

-4-

know anything about it.

Q. 6:- Did she not always go by the name of Belle Wells?

A:- Since I knew her she did.

Q. 7:- Iⁿ the 1893 were they not living together as man and wife?

A:- Yes, sir; they were living together as man and wife.

Q. 8:- Do you know anything in regard to the relations that existed between Belle Noell and Pinkney Anderson?

A:- All that I know is that they both disappeared together.

Q 9:- Is he not living with her now?

A:- That is what I have heard.

Q. 10:) What year was this that they disappeared together?

A:- It was '96, just after the furnace shut down. They left somewheres in May or June about a year ago.

And further this deponent saith not.

N.B. Collier

Witness waives the signing of this deposition and authorizes the notary to sign for him.

Virginia, Wise County, to-wit.

I, A.L.Irvine, a notary public in and for the county aforesaid in the state of Virginia, certify that the foregoing depositions of J.W.Kelly, R.A.Ayers, and N.B.Collier were taken, subscribed, and sworn to before me ~~at~~ at the time and place and for the purposes mentioned in the caption hereto annexed.

Given under my hand this the 17th day of February 1897.

A. L. Irvine, Not. Public, Va.

R. T. IRVINE,

Attorney at Law,

BIG STONE GAP, VA.

Notary's Charges:

Time of taking 2 hrs @ 75¢ = 1.50

A. L. Irvine *Att.*

W. Noell
vs { In Chancery
W. Belle Noell

Dispositions of J. W. Kelly,
R. A. Ayres & W. B. Collier

Received by mailing
Good Condition and
filed February 18th 1897
A. B. Munsey Clerk

March Term 1897 Severe
final See Order Book
4 Pages 5-30

Plffs Costs

Clerk 5.99

Tax 1.50

Printer 6.40

A. P. 1.50

C. C. 2.50

Notary fee 1.50

Postage 4 cents

Virginia - Lee Co. - Town:

I D. V. F. Richmond Clerk of Lee County Court
in & for the County aforesaid in the state of
Virginia certify that H. O. Ballou
This day made oath before me in my
County aforesaid that he is & has been
for several years personally acquaint-
ed with James R. Wool, plaintiff in
in the Suit in Chancery, now pending
in the Circuit Court of Lee County,
& that said Wool has been a resident
of said ~~County~~ state for a period
of at least two years.

H. O. Ballou,

Subscribed & sworn to before me, &
given under my hand this 11th
day of March 1871.

J. D. F. Richmond Clerk

AFFIDAVIT

VIRGINIA

WISE COUNTY

This day personally appeared before me, A. L. Irvine, a Notary Public in and for the County and State aforesaid, H. J. Ayers who made oath in due form of law that Belle Noel is not a resident of the State of Virginia.

Given under my hand this the 19th day of September 1896.

A. L. Irvine
NOTARY PUBLIC.

MEMORANDUM FOR CLERK.

James R. Noel
vs In Chancery
Belle Noel

Bill in Chancery- affidavit of non residence

Order of Publication.

The object of this suit is to obtain a divorce a vinculo matrimonii for the complainant from the defendant. And an affidavit having been made and filed that Belle Noel is not a resident of the State of Virginia it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interests in this suit. And it is further ordered that a copy hereof be published once a week for four successive weeks in The Big Stone Gap Post, and that a copy be posted at the front door of the Court House of the County on the first next day of the next term of the County Court. &c &c.

(File with Bill)

James R. Noel
Affidavit for DP

Belle Noel

Filed Sept 19th 1896

CHAS. H. HARRIS
ckk

VERDICT

Not a
Not a
Not a

Not a

Not a

Not a

Not a

Not a

Not a

Not a

Not a

Not a

Not a

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Not a

Not a

Not a

MARRIAGE * LICENSE



Virginia, Lee County to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

James R Noel
and Mary B Wells

Given under my hand, as Clerk of the County Court
of Lee County this 9th day of June 1890

John R Gibson Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,
TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2236 OF THE CODE OF VIRGINIA.

act March 15th 1861

Time of Marriage,

Place of Marriage,

Full Names of Parties Married,

Color,

Age of Husband,

Age of Wife,

Condition of Husband (widowed or single),

Condition of Wife (widowed or single),

Place of Husband's Birth,

Place of Wife's Birth,

Place of Husband's Residence,

Place of Wife's Residence,

Names of Husband's Parents,

Names of Wife's Parents,

Occupation of Husband,

Given under my hand this 9th day of June 1890

John R Gibson Clerk.

MINISTER'S RETURN OF MARRIAGE.

I Certify, That on the 10th day of June 1890
at the residence of G. W. Spencer I united in Marriage the
above-named and described parties, under authority of the annexed License.

G. W. Spencer M. G.

The Minister celebrating a marriage, is required, within TEN days thereafter, to return the license to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such marriage, and of the TIME and PLACE of celebrating the same.

A Copy
Lecle 27 Richmond Clerk

James R. Noel
Copy of Marriage
To License
Mary B. Wells

Filed Feby 24th 1897
A. B. Munsey Clerk

County Clerk 20^{cts}

In the Clerk's Office of the Circuit Court of the County of
Lee on the 19th day of September 1896.

against

James R. Noel Plaintiff

In Chancery

Belle Noel Defendant.

The object of this suit is to obtain a divorce a vinculo
matrimonii for the Complainant from the
defendant.

And an affidavit having been made and filed that the defendant

Belle Noel

^a not resident of the State of Virginia, it is ordered that She do appear here, within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Big Stone Gap
Post, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

H. J. Ayers

p. q.

A. B. Mursey Clerk.

James R Noel

VS.

{ ORDER
OF
PUBLICATION.

Belle Noel

I A B Munsey Clerk of the
Circuit Court for Lee County
Virginia, do hereby certify
that I posted a copy of
the within order of publi-
cation at the front door of
the Court-house of Lee Co
Va on the 1st day of the
~~October~~ term of the
County Court 1896
Given under my hand
this the 20th of Oct 1896
A B Munsey Clerk

Order of Publication Certificate.

James R Noel Plaintiff

vs.

Belle Noel, Defendant

Publisher's fixed rate of charges: 5 cents per line for each insertion.

Amount of this order \$4 60

Paid by R A Ayers

In the Circuit Court of the County of Lee on the 19th day of September, 1896.

James R. Noel, Plaintiff, }
against } In Chancery.
Belle Noel, Defendant. }

The object of this suit is to obtain a divorce, a vinculo matrimonii, for the complainant from the defendant. And an affidavit having been made and filed that the defendant, Belle Noel, is not a resident of the State of Virginia, it is ordered that she do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Big Stone Gap Post, and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the county court.

A. B. MUNSEY, Clerk.
R. A. & H. J. AYERS, p. q. Sep 24 39-42

I, GILBERT N. KNIGHT, editor and publisher of the Big Stone Gap Post, a weekly newspaper published in the town of Big Stone Gap, Wise County, Virginia, do certify that the foregoing Order of Publication was duly published in the said newspaper for four consecutive weeks, commencing on the 24th day of September, 1896.

Gilbert N Knight

Editor The Big Stone Gap Post.

A B Munsey
I, Clerk's Office Circuit Court for ~~Wise~~ ^{Lee} County, Va.
hereby certify that I, Clerk of the Circuit Court for Wise County, Virginia,
on the first day of the County Court of ~~Wise~~ ^{Lee} county at the ~~October~~ ^{October}
term 1897 therefore, posted a copy of the foregoing Order of Publication at the front door
of the court-house of the said county. Given under my hand, this 20th day of October
1897.

A B Munsey

Clerk Wise County Circuit Court.

Order of
PUBLICATION
Certificate.

James R Noel Plp

vs.

Belle Noel Wlft.

Publisher's Fee \$ 6 ⁴⁰/₁₀₀

Paid by R A M Glynn
Attys
